

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DERRICK PARKS,

Defendant-Appellant.

UNPUBLISHED

August 13, 1999

No. 205736

Kalamazoo Circuit Court

LC No. 96-000028 FH

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals as of right from his jury trial conviction of two counts of delivery of delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). Defendant was sentenced to consecutive terms of one to twenty years' imprisonment. We affirm.

Defendant argues that there was insufficient identity evidence adduced at trial to support his conviction. We disagree. "In determining whether sufficient evidence has been presented to sustain a conviction, an appellate court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994). Issues concerning the credibility of identification testimony are a matter for the trier of fact to decide. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). Viewed most favorably to the prosecution, we believe Officer Hammerberg's testimony was sufficient to establish defendant's identity as to both offenses beyond a reasonable doubt.

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette

* Circuit judge, sitting on the Court of Appeals by assignment.

